

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION**

Aubrey Jones,

Plaintiff,

vs.

The City of Columbia, and Anthony
Viehweg, in his individual capacity as an
Officer for the City of Columbia Police
Department,

Defendants.

Civil Action No. 3:18-cv-02097-JFA-PJG

ORDER

This matter comes before the Court by way of Defendant City of Columbia's (hereinafter the "City") Motion to Strike portions of the Plaintiff's Complaint. *See* Dkt. Nos. 5 & 1-1. The City requests Paragraph 31, and all claims for relief related thereto, be stricken pursuant to Federal Rules of Civil Procedure 12(f) and/or 12(b)(6) on the grounds that Plaintiff's constitutional challenge of City of Columbia Ord. §10-36 "Refusal to stop on command of officer" is immaterial to the present action.

The parties notified the Court by way of Consent Motion, filed on August 13, 2018, that Plaintiff and Officer Viehweg consent to the City's Motion striking Paragraph 31 of the Complaint and any claims for relief related to Paragraph 31. *See* Dkt. No. 9. All other relief related to claims previously pleaded is expressly reserved by the Plaintiff. The parties stipulate that it is not necessary that the Plaintiff file an Amended Complaint nor shall it be necessary for the Defendants to file additional Answers at this time.

PJG

THEREFORE, the Court hereby **GRANTS** the City's Motion to Strike pursuant to Federal Rule of Civil Procedure Rule 12 striking Paragraph 31 of the Plaintiff's Complaint and any requests for relief related thereto as immaterial.

IT IS SO ORDERED.


Paige J. Gossett
UNITED STATES MAGISTRATE JUDGE

August 14, 2018
Columbia, South Carolina